

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

FRIDAY, THE 13TH JUNE 2007 / 23RD JYASHTA 1929

Crl.MC.No. 1914 of 2007()

UNDER THE SEIZURE MAHAZAR PREPARED BY THE TAHSILDAR, PONNANI
PERUMPADAPPU POLICE STATION, MALAPPURAM DISTRICT
.....

PETITIONER:

VELAYUDHAN, S/O. KARIYAN, AGED 60 YEARS,
VADAKKUMMURI HOUSE, ESWARA MANGALAM,
POST BIYYAM, PONNANI.

BY ADV. SRI.S.RAJEEV

RESPONDENTS:

1. STATE OF KERALA, REPRESENTED BY
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.
2. DISTRICT COLLECTOR,
MALAPPURAM.
3. REVENUE DIVISIONAL OFFICER,
MALAPPURAM.
4. TAHSILDAR,
PONNANI.
5. SUB INSPECTOR OF POLICE,
PERUMPADAPPU.

BY PUBLIC PROSECUTOR SRI.GIKKU JACOB

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 13/06/2007, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:

R.BASANT, J

Crl.M.C.No.1914 of 2007

Dated this the 13th day of June, 2007

ORDER

Petitioner's vehicle has allegedly been seized for alleged contravention of the provisions of the Kerala Protection of River Banks and Regulation of Removal of Sand Act, 2001. The petitioner has come to this Court with a prayer that a direction may be issued invoking the powers under Section 482 Cr.P.C to release the vehicle to the petitioner. Has the petitioner moved the learned Magistrate under Section 457 Cr.P.C ? If not, why has he not moved the learned Magistrate and why has he chosen to come to this Court ? I do not get satisfactory answers to the above queries. If the seizure is by the police, the petitioner must certainly exhaust his remedy by moving the learned Magistrate and seek relief under Section 451 or 457 Cr.P.C, as the case may be. If on the contrary the grievance is that an executive officer has seized the vehicle in exercise of his powers, which he has under the statutory provisions, then powers under Section 482 Cr.P.C cannot, of course, be invoked. In either view, this Crl.M.C is not maintainable.

2. This Crl.M.C is, in these circumstances, dismissed, but with the observation that the dismissal of this Crl.M.C will not in any way fetter the rights of the petitioner to move the appropriate forum seeking relief.

(R.BASANT, JUDGE)

rtr/-